

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: FOOT LOCKER, INC.,
FAIR LABOR STANDARDS ACT (FLSA)
AND WAGE AND HOUR LITIGATION

No. 11-MDL-02235

No. 07-cv-02157

No. 10-cv-12233

No. 10-cv-00570

No. 10-cv-06789

No. 11-cv-02731

THIS DOCUMENT RELATES TO:

Judge J. Curtis Joyner

All Actions

Electronically Filed

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS AND COLLECTIVE ACTION SETTLEMENT, PRELIMINARY
CERTIFICATION OF SETTLEMENT CLASS, APPOINTMENT OF CLASS COUNSEL,
APPROVAL OF PROPOSED CLASS NOTICES, AND SCHEDULING OF A
FINAL APPROVAL HEARING**

Named Plaintiffs Francisco Pereira, Marissa Smith, Damita Kennedy, Joann Hernandez, Marissa Maguire, Hallie Brown, David Cheatham, Jr., Eric Guzman, and Edward Woo, on behalf of themselves and all others similarly situated, ("Named Plaintiffs"), respectfully submit their Unopposed Motion for Preliminary Approval of Class and Collective Action Settlement, Preliminary Certification of Settlement Class, Appointment of Class Counsel, Approval of Proposed Class Notices, and Scheduling of a Final Approval Hearing.¹ In support thereof, Named Plaintiffs have contemporaneously filed a Memorandum of Law and the Declaration of Peter A. Muhic (with exhibits thereto). Foot Locker consents, for settlement purposes only, to Named Plaintiffs' requested relief contained therein.

¹ As the Court may recall from prior conferences and submissions, Plaintiffs' Counsel, Kessler Topaz Meltzer & Check, is also lead counsel in a parallel action that has been proceeding since 2008 in Illinois, *Hill et al. v. Foot Locker, Inc.*, Civil Action No. 08-CH-39148 (the "Illinois State Action"). A class was certified in the Illinois State Action in May, 2011. As part of the instant Settlement, the Parties have agreed to settle the claims of the class in the Illinois State Action and have agreed that that subsequent to the execution of the Settlement Agreement, Plaintiffs will file an Amended Complaint in the instant case to include the claims of the Illinois class.

For the reasons set forth in the attached memorandum of law, Plaintiffs respectfully request that the Court grant their Unopposed Motion, and enter the accompanying [Proposed] Order Granting Preliminary Approval of Class and Collective Action Settlement.

Dated: November 17, 2014

Respectfully submitted,

**KESSLER TOPAZ
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/s/ Peter A. Muhic

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Plaintiffs' Counsel

CERTIFICATE OF UNCONTESTED MOTION

Pursuant to Local Rule 7.1(b), the undersigned hereby certifies that the foregoing Unopposed Motion for Preliminary Approval of Class and Collective Action Settlement, Preliminary Certification of Settlement Class, Appointment of Class Counsel, Approval of Proposed Class Notices, and Scheduling of a Final Approval Hearing is uncontested by Defendants Foot Locker, Inc. and Foot Locker Retail, Inc.

Dated: November 17, 2014

/s/ Peter A. Muhic
Peter A. Muhic

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of November 2014, a true and correct copy of the foregoing document was filed with the Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

Peter A. Muhic

/s/ Peter A. Muhic